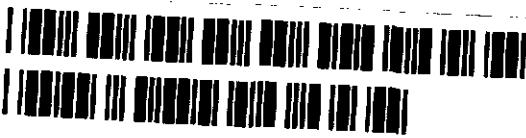


FILED
LODGED
ENTERED
RECEIVED

JAN 23 2009

1 AT SEATTLE
2 CLERK U.S. DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 DEPUTY



3 07-CV-00499-ORD

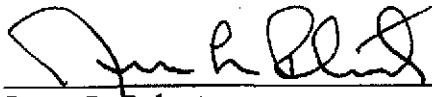
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 SYLVESTER JAMES MAHONE,)
9 Plaintiff,) Case No. C07-499-JLR-BAT
10 v.)
11 WASHINGTON STATE) ORDER OF DISMISSAL
12 REFORMATORY, et al.,)
13 Defendants.)

14 The Court, having reviewed plaintiff's Third Amended Complaint in this 42 U.S.C. § 1983
15 civil rights action; the parties' pleadings including their motions for summary judgment; the report
16 and recommendation of United States Magistrate Judge Brian A. Tsuchida, the governing law, and
17 the balance of the record, does hereby ORDER:

18 (1) The Court adopts the Report and Recommendation;
19 (2) Plaintiff's motion for summary judgment (Dkt. 37) is DENIED;
20 (3) Defendants' cross-motion for summary judgment (Dkt. 39) is GRANTED;
21 (4) Plaintiff's claims and his Third Amended Complaint (Dkt. 41) are DISMISSED;
22 (5) The Clerk of Court is directed to send copies of this Order to the parties and to
23 Magistrate Judge Brian A. Tsuchida.

DATED this 23rd day of January, 2009.


James L. Robart
United States District Judge